IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 18495 of 2001

Between:

V.Satyavathi W/o Buchi Reddy
Surya Nagar Colony, Nalgonda Town & Dictrict.

..... PETITIONER

AND

1 A.P.Transco, Rep by ist Chairman & Managing Director,
Vidyut Soudha, Hyderabad.
2 Central Power Distribution Company Limited,

Rep by its Managing Director, (CPDCAPL),
Nalgonda.
3 The Asst. Divisional Engineer, O & M, C.P.D.C.A.P.L.,
Nalgonda.
4 The Addl. Asst. Engineer Operations, C.P.D.C.A.P.L.,
Town II, Nalgonda.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue an order or direction or writ especially Writ of Mandamus declaring the condition No. 39.5, 39.8 & 39.12.1 of APSEB conditions of supply insofar as demanding to pay half of the estimated amount and also charging special rates even before malpractice is established as ultravirus, viod violative od Art, 14 of the Constitutuion of India and consequently set aside Lr.No.ADE/OP/NLG/F.No.TE.43/D.No.84/2001 dt: 20.8.2001 of the respondent No.3 and pass

Counsel for the Petitioner:MR.M.VENKAT RAM REDDY

Counsel for the Respondents: MR..AJAY KUMAR, SC FOR AP TRANSCO

The Court made the following :

ORDER:

This writ petition is filed by a consumer of A.P. State Electricity Board assailing the provisional assessment notice dated 20.08.2001 in Lr.No.ADE/OP/NLG/F.No.TE.43/D.No.842/2001.

In the affidavit, filed in support of the writ petition, it is the case of the petitioner that she got the service connection No.17420 to her residential house under Category–I, but the respondents alleging that the same is being used for running a hostel, which amounts to utilization under category-II, treated it as a malpractice and initiated the proceedings. Further, as per the terms and conditions of the supply as notified under Section-49 of the Electricity (Supply) Act, 1948, by issuing provisional assessment notice, demand is made to a tune of Rs.32,810/-. It is the case of the petitioner that she is using the said service connection for domestic purposes, which falls under Category-I and as such, the impugned demand pursuant to the provisional assessment notice is illegal.

This Court at the stage of admission granted interim orders as early as on 05.09.2001 on condition of the petitioner depositing 50% of the demanded amount in the provisional assessment notice. With regard to various pleas raised by the petitioner, it is a matter of enquiry by the Assessing Authority. It is also the case of the petitioner that even assuming that the service connection is utilised for hostel purpose, it falls under Category-VII but not under Category-II as categorised by the respondents in the provisional assessment notice. As much as the final assessment proceedings are pending before the authority, I dispose of the writ petition directing the respondents to complete the final assessment proceedings, if not already completed, within a period of two months from the date of receipt of a copy of this order. During the finalisation of the proceedings, rest of the demand made under the provisional assessment notice shall stands suspended. It is open to the petitioner to file objections before the Assessing

Authority with regard to his plea that the consumption is to be charged either under Category-I or Category-VII, but not under Category-II. The amount, which is deposited pursuant to the interim orders of this Court shall be subject to the final orders passed after the enquiry is completed by the respondents determining the category of the said service connection.

Subject to the above directions, the writ petition is disposed of. No order as to costs.

_____ R.SUBHASH REDDY, J

05.07.2005

DR

To

1. The Chairman & Managing Director, A.P.Transco,

Vidyut Soudha, Hyderabad.
2 Central Power Distribution Company Limited,

Rep by its Managing Director, (CPDCAPL),
Nalgonda.
3 The Asst. Divisional Engineer, O & M, C.P.D.C.A.P.L.,
Nalgonda.
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